

STAFF REPORT REGULAR MEETING

AGENDA DATE: September 17, 2024

DEPARTMENT: Community Sustainability

TITLE:

Ordinance No. 2024-11 - First Reading – amending Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-25 “Micro-units” to provide minor changes to the development standards for Micro-Units

SUMMARY/ BACKGROUND:

The proposed amendment would improve interest and use of the program per feedback from potential investors and developers.

The **Planning & Zoning Board (PZB)** unanimously voted to recommend approval of the proposed text amendments at their August 7, 2024, meeting with the recommendation that the City Commission consider a revision to section H. *Exception*, revising the percentage of the combination of interior shared common space and outdoor amenity space from 20% to 15% (line 105) and adding a breakdown of that percentage. The board recommended a minimum of 10% for interior common space and a minimum of 5% for outdoor amenity space. The board felt interior space is paramount to the micro-unit program. The board expressed concern that the proposed language could allow the entirety of the combined amenity space to be outdoor amenity space.

The **Historic Resources Preservation Board (HRPB)** unanimously voted to recommend approval of the proposed text amendments at their August 21, 2024, meeting with the same recommendation as the PZB regarding amenity spaces.

MOTION:

Move to approve/disapprove Ordinance 2024-11 on first reading, and to set the second reading and public hearing for October 1, 2024.

ATTACHMENT(S):

Ordinance 2024-11
PZB/HRPB Staff Report

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2
3
4 **ORDINANCE 2024-11 - AN ORDINANCE OF THE CITY OF LAKE WORTH**
5 **BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT**
6 **REGULATIONS,” ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION**
7 **23.4-25 “MICRO-UNITS,” AND PROVIDING FOR SEVERABILITY,**
8 **CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE**
9

10 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State of
11 Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the “City”),
12 enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal
13 government, perform municipal functions, and render municipal services, and may exercise any
14 power for municipal purposes, except as expressly prohibited by law; and
15

16 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing body of
17 each municipality in the state has the power to enact legislation concerning any subject matter
18 upon which the state legislature may act, except when expressly prohibited by law; and
19

20 **WHEREAS**, the City wishes to amend Chapter 23, Article 4 “Development Standards,”
21 Section 23.4-25 – Micro-Units to amend the supplementary development standards for this use;
22 and
23

24 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
25 municipality having such power and authority conferred upon it by the Florida Constitution and
26 Chapter 166, Florida Statutes; and
27

28 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning agency,
29 considered the proposed amendments at a duly advertised public hearing; and
30

31 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
32 planning agency, considered the proposed amendments at a duly advertised public hearing; and
33

34 **WHEREAS**, the City Commission finds and declares that the adoption of this ordinance is
35 appropriate, and in the best interest of the health, safety and welfare of the City, its residents and
36 visitors.
37

38 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**
39 **LAKE WORTH BEACH, FLORIDA, that:**
40

41 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as being
42 true and correct and are made a specific part of this ordinance as if set forth herein.
43

44 **Section 2:** Chapter 23 “Land Development Regulations,” Article 4 “Development
45 Standards,” Section 23.4-25 “Micro-units” is hereby amended to read as follows:
46

47 **Sec. 23.4-25. – Micro-units.**
48

- 49 a) *Project size.* All micro-unit projects must provide a minimum of 10 micro-units.
50
51 b) *Micro-Unit Use Restriction.* Micro-units must be residential and may not be converted to other
52 uses. Each micro-unit must be separately metered for electric.
53
54 c) *Personal service, retail or commercial space.* All micro-unit projects shall be designed as
55 mixed use projects providing personal service, retail and/or commercial areas, including the

56 required parking as set forth in this section and shall be allowed only within the City's mixed
57 use zoning districts. The aforementioned listed uses other than residential should account for
58 at least 10% of the gross area of the project or 2,500 sq ft, whichever is less. If a project does
59 not provide a mix of uses, the interior shared common area shall be at least 15 20%. Live
60 work space, co work space or general office space may not count toward the required area
61 for non-residential uses.

62
63 d) *Residential Building Type.* All micro-unit projects must be in a multi-family structure or
64 collection of multi-family structures. Individual micro-units may not be combined to facilitate
65 larger individual units.

66
67 e) *Interior shared common areas.* Interior shared common areas supporting micro-units must
68 equate to 10% of the gross living area of all residential units within the project. Such
69 supporting common areas shall include but not be limited to the following:

- 70 1. Reading Room,
- 71 2. Gym/Exercise Facilities,
- 72 3. Virtual Office Space,
- 73 4. Party/Community Room,
- 74 5. Game Room,
- 75 6. Library,
- 76 7. Movie Theatre,
- 77 8. Gourmet Kitchen,
- 78 9. Art Labs,
- 79 10. Other similarly situated common usage areas, and
- 80 11. Essential support areas such as lobbies, hallways, egress routes, stairs, concierge areas,
81 staff offices, maintenance areas and required restroom facilities or similar shall not count
82 toward shared interior common areas.

83
84 f) *Parking.* Parking may be a combination of the following:

- 85 1. One (1) parking space or equivalent for each micro unit;
- 86 2. 50% or more of the required spaces shall be standard parking spaces;
- 87 3. Up to 25% of the parking spaces may be compact spaces (8'-0" x 18'-0");
- 88 4. Up to 25% of the parking spaces may be met with bicycle, scooter or motorcycle storage.
89 Four (4) bicycle storage spaces shall equal one (1) parking space; two (2) scooter storage
90 spaces shall equal one (1) parking space; and two (2) motorcycle storage spaces shall
91 equal one (1) parking space; and
- 92 5. Required guest and employee parking may be met with the same parking space
93 combination ratio. Guest and employee parking shall be no less than one (1) space for
94 every 100 sq. ft. of common area, public area, support area and offices, excluding required
95 hallways, egress routes and stairs.
- 96 6. The mixed-use parking reduction of 25% shall not apply.

97
98 g) *Outdoor amenity.* All micro-unit projects shall provide for an outdoor amenity that is above
99 and beyond the required interior shared common area. Outdoor amenity space shall be no
100 less than 5% of the gross area of all residential units and may not count toward the required
101 interior shared common area.

102
103 h) *Exception.* For existing structures being converted to micro-unit residential use, the total
104 combined interior shared common area and outdoor amenity space may be any combination
105 of these areas equating to at least 20% of the gross area of the residential use area,
106 regardless of whether it will be an all residential or a mixed use building(s).
107

108 **Section 3: Severability.** If any section, subsection, sentence, clause, phrase or portion
109 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
110 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
111 such holding shall not affect the validity of the remaining portions thereof.
112

113 **Section 4: Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict
114 herewith are hereby repealed to the extent of such conflict.
115

116 **Section 5: Codification.** The sections of the ordinance may be made a part of the City
117 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
118 the word "ordinance" may be changed to "section", "division", or any other appropriate word.
119

120 **Section 6: Effective Date.** This ordinance shall become effective 10 days after
121 passage.
122

123 The passage of this ordinance on first reading was moved by Vice Mayor Malega,
124 seconded by Commissioner Diaz, and upon being put to a vote, the vote was as follows:
125

- 126 Mayor Betty Resch
- 127 Vice Mayor Sarah Malega
- 128 Commissioner Christopher McVoy
- 129 Commissioner Mimi May
- 130 Commissioner Reinaldo Diaz

131
132 The Mayor thereupon declared this ordinance duly passed on first reading on the ___ day
133 of ___, 2024.
134

135
136 The passage of this ordinance on second reading was moved by _____,
137 seconded by _____, and upon being put to a vote, the vote was as follows:
138

- 139 Mayor Betty Resch
- 140 Vice Mayor Sarah Malega
- 141 Commissioner Christopher McVoy
- 142 Commissioner Mimi May
- 143 Commissioner Reinaldo Diaz

144
145 The Mayor thereupon declared this ordinance duly passed on the _____ day of
146 _____, 2024.
147

148 LAKE WORTH BEACH CITY COMMISSION

149
150
151 By: _____
152 Betty Resch, Mayor

153
154 ATTEST:

155
156
157 _____
158 Melissa Ann Coyne, MMC, City Clerk
159



DATE: July 31, 2024

TO: Members of the Planning & Zoning and Historic Resources Preservation Boards

FROM: William Waters, Director Community Sustainability

MEETING: August 7 & August 21, 2024

SUBJECT: **Ordinance 2024-11**: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-25 “Micro-units” to provide minor changes to the development standards for Micro-Units.

PROPOSAL / BACKGROUND/ ANALYSIS:

The proposed amendment would improve interest and use of the program per feedback from potential investors and developers.

The proposed ordinance would amend the recently adopted new section of the LDR in Chapter 23 of the City’s Code of Ordinances:

- Article 4, Section 23.4-25 – Micro-Units

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2024-11.

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendment included in Ordinance 2024-11.

Attachments

- A. Draft Ordinance 2024-11